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8 Attorneys for Plaintiff

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

14 UNITED STATES OF AMERICA,) CR 03-08-70552 PJH
15 Plaintiff,) STIPULATION AND [PROPOSED] ORDER
16 v.) CONTINUING THE ARRAIGNMENT /
17 DAPHENE VICKERS,) PRELIMINARY HEARING DATE
18 Defendant.)
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20 This matter is set for a Preliminary Hearing / Arraignment on December 11, 2008 at 9:30
21 am. The parties now seek to continue this date until March 16, 2009 am. The parties seek this
22 continuance to continue pre-indictment resolution discussion and to afford defense counsel time
23 to review voluminous discovery, including discovery that contains child pornography and
24 therefore must remain in the custody of the United States pursuant to 18 U.S.C. § 3509(m).
25 Further, defense counsel does not believe it is in her client's best interests for the Court to hold a
26 Preliminary Hearing within the time provided for under Federal Rule of Criminal Procedure
27 5.1(c) and therefore waives time under that time. The parties represent that granting the
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STIPULATION AND [PROPOSED] ORDER CONTINUING THE ARRAIGNMENT / PRELIMINARY
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1 continuance was necessary for effective preparation of counsel, taking into account the exercise
2 of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv).

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4 SO STIPULATED:

5 JOSEPH P. RUSSONIELLO
6 United States Attorney

7 DATED: December 3, 2008

/s/
8 DENISE MARIE BARTON
Assistant United States Attorney

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10 DATED: December 3, 2008

/s/
11 NINA WILDER
Attorney for DAPHNE VICKERS

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14 For the foregoing reasons, this matter is continued until March 16, 2009 at 9:30 am.

15 Pursuant to the Speedy Trial Act, Title 18 United States Code, section 3161(h)(8)(B)(iv), the
16 ends of justice are served by granting the requested continuance, given that failure to do so would
17 deny counsel effective preparation, taking into account the exercise of due diligence.

18 Accordingly, time shall be excluded from December 11, 2008 through March 16, 20089

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20 SO ORDERED.

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23 DATED: 12-8-08


24 Honorable Edward M. Chen
United States Magistrate Court Judge

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28 STIPULATION AND [PROPOSED] ORDER CONTINUING THE ARRAIGNMENT / PRELIMINARY
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